

Amendment No. 1 to SB0140

Beavers
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 140*

House Bill No. 107

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 44, Chapter 8, Part 4, is amended by adding the following new section, to be designated as § 44-8-409, or if the provisions of SB 139/ HB 106 do not become law, by deleting § 44-8-409, and substituting instead the following:

§ 44-8-409.

(a) Unless otherwise provided in § 44-8-408, and except as provided in subsection (c) of this section, a violation of § 44-8-409, is a Class C misdemeanor.

(b) Notwithstanding the penalties provided in this section or any other provision of law, a violation of § 44-8-408, shall be punished as provided in subsection (c) if the violation involves:

(1) A dog that was trained to fight, attack or kill or had been used to fight;

(2) A dog that, prior to the violation of this section, had bitten one (1) or more people on two (2) separate occasions that resulted in bodily injury or on one (1) occasion that resulted in serious bodily injury or death; or

(3) The owner of the dog violating this section knew of the dangerous nature of the dog.

(c) A violation of § 44-8-408, where one (1) or more of the factors set out in subsection (b) are present shall be punished as follows:

(1) A Class A misdemeanor if the dog running at large causes damage to the property of another.

(2) A Class E felony if the dog running at large causes bodily injury to another.

(3) A Class D felony if the dog running at large causes bodily injury to more than one (1) person or serious bodily injury to another;

(4) A Class C felony if the dog running at large causes the death of another.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.